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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's	)	CC Docket No. 94-102
Rules to Ensure Compatibility	)	
with Enhanced 911 Emergency	)	
Calling Systems	)	

COMMENTS OF AT&T CORP.

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COMMENTS OF AT&T CORP.

AT&T Corp. ("AT&T"), by its attorneys, hereby submits its comments in response to the Commission's Notice on the pace of Phase I implementation.[1/] AT&T has made a substantial investment to develop the requisite technology to meet and even exceed the Commission's performance criteria for wireless E-911 services in a timely manner. However, disputes over cost recovery mechanisms and the choice of Phase I transmission technologies have caused delays in E-911 implementation. Other factors beyond the control of wireless carriers, including the refusal of certain ILECs to provide access to their 911 databases and PSAP preferences and readiness, have imposed additional barriers to E-911 implementation. To best expedite E-911 deployment, the Commission should affirm its position on cost recovery and clarify that carriers have a right to choose the best technology to implement Phase I.

1/ See Public Notice, Commission Seeks to Facilitate Wireless E911 Implementation and Requests a Report, CC Docket No. 94-102 (rel. June 9, 1999) ("Notice").

I. AT&T IS IN FULL COMPLIANCE WITH THE COMMISSION'S PHASE I E-911 REGULATIONS

AT&T has committed substantial resources to Phase I deployment and is actively working with the public safety community to meet the Commission's Phase I requirements. As a result of AT&T's commitment, it was fully prepared to implement Phase I as of March 1998 and appears to have deployed Phase I service in more communities than any other wireless carrier.

To ensure full compliance with the Commission's performance requirements, AT&T has hired an outside vendor with national expertise in 911 service delivery. AT&T also has created an internal E-911 deployment team that includes technical, operations, finance, legal, policy and project management personnel. To ensure that Phase I service requests and inquiries from PSAPs are promptly acted upon, AT&T has developed an extensive database designed to track PSAP correspondence and ensure a timely response and the initiation of implementation activities. AT&T also is an active participant in the standard setting process for wireless E-911 solutions (both Phase I and Phase II), with senior technical personnel participating regularly in the TR45 standards-setting body. AT&T has made a tremendous investment in PSAP outreach, including educational materials, membership in PSAP community associations, and frequent participation in PSAP association conferences, in order to spur the deployment of Phase I E-911 service.

As a result of its commitment to implement Phase I E-911, AT&T has achieved a certain measure of success in its Phase I implementation efforts. In Oregon for example, AT&T currently provides Phase I E-911 service to 76 percent of its customers statewide. AT&T estimates that by the end of 1999, 96 percent of its Oregon customers will have access to Phase I E-911. AT&T has achieved similar success in Colorado, where Phase I E-911 is currently

provided to 56 percent of AT&T's Colorado customers. AT&T projects that by the end of 1999, 85 percent of its Colorado customers will receive Phase I E-911 service. AT&T is presently working towards Phase I deployment with individual PSAPs in Georgia, South Carolina, North Carolina, Illinois, Indiana, Texas, Arizona, and Virginia.

In addition, AT&T has engaged in proactive efforts above and beyond the regulatory obligations imposed on carriers to meet the Phase I E-911 deadline. In Clark County, Washington and Washington County, Oregon, AT&T set up free field applications to assure the PSAP community of the effectiveness of the AWS Phase I solution and demonstrate its ability to reliably and accurately meet the Commission's requirements. During 1998, AT&T worked cooperatively with the PSAP community in Minnesota on a Phase I trial utilizing the State's preferred technology despite the fact that the technology being tested in Minnesota was not AT&T's preference. As with the field applications in Washington and Oregon, the company paid all implementation and vendor costs associated with the trial and received no reimbursement of costs.

AT&T also participated in the State of California's Phase I trial in Los Angeles County.[2/] The trial was extremely well-managed by the California Department of General Services, which clearly acknowledged wireless carriers' right to select Phase I technologies, as long as those technologies were fully standards-compliant and met all Commission requirements. The successful trial demonstrated the complete lack of interoperability problems often feared by the PSAP community, despite the use of multiple Phase I technical solutions (both callpath and non-

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[2/] AT&T participated in the California E-911 trial through its affiliate Los Angeles Cellular Telephone Company.

callpath associated solutions), multiple ALI database providers (GTE and Pacific Bell), and multiple 911 service providers (XYPoint and SCC).

AT&T's goal is to make the benefits of wireless service available and affordable for as many consumers as possible. To this end, AT&T has supported, and in many cases, assisted in leading state legislative efforts to implement appropriate cost recovery mechanisms necessary to make Phase I E-911 implementation possible, typically in the form of surcharges directly upon wireless customers. The successful adoption of cost recovery mechanisms in Michigan and Florida in 1999 was due in part to the active support of AT&T and other industry representatives.

II. PHASE I DELAYS STEM FROM MULTIPLE, NON-AT&T RELATED FACTORS

Despite AT&T's substantial investment, full compliance with Phase I E-911 regulations, and outreach efforts to spur PSAP Phase I requests, AT&T has been unable to deploy Phase I E-911 service in many AT&T markets due to factors beyond its control. These factors include disputes over technology choice, the absence of appropriate cost recovery mechanisms, the refusal of ILECs to provide interconnection and access to their databases, and PSAP preferences and readiness.

A. Disputes Over the Choice of Phase I Transmission Technology Have Slowed Phase I Implementation

The Commission correctly notes that disputes over the choice of Phase I transmission technologies have caused delays in E-911 implementation.[3/] As the Commission has observed, it is reasonable for carriers to want to choose one systemwide Phase I solution in the interests of cost efficiency and effectiveness. For their part, PSAPs want a wireless solution that takes into

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[3/] Notice at 1.

account their own systems, which must respond to both wireline and wireless networks.[4/] As AT&T has demonstrated in the field, however, technology choice is not inconsistent with the PSAPs' desire for compatibility. If the Commission truly wants to speed Phase I deployment, it must make clear that wireless carriers have the ultimate authority to choose Phase I transmission technology.

In the E-911 Report and Order, the Commission indicated that CMRS providers would be responsible for developing and implementing "state-of-the-art" communications technologies for wireless 911 service.[5/] The Commission chose to adopt general performance criteria rather than extensive technical standards to guide the development of wireless 911 service, recognizing that an inflexible approach might discourage carriers from developing "creative technological approaches to E-911 deployment."[6/] If individual PSAPs are allowed to force CMRS providers to conform to the PSAP's technology choice, the result will be the "balkanization" of wireless 911 systems, rather than the development of seamless national systems that the Commission has envisioned. The California trial demonstrated that PSAP concerns about interoperability are unfounded.[7/]

AT&T has contracted for a nationwide system to meet the Commission's requirements for providing Phase I E-911. In selecting its national solution, AT&T focused on the priorities of

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[4/] Notice at 6.

[5/] Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, RM-8143, Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 18676 at ¶¶ 14, 143 (1996) ("E-911 Report and Order").

[6/] Id. at ¶ 76.

[7/] See State of California Department of General Services Telecommunications Division, The Los Angeles County Wireless E9-1-1 Trial in the Context of 9-1-1 in California, Final Draft Report at 11, 17 (June 1999) ("Los Angeles E-911 Trial Draft Report").

the PSAP community, which were expressed both in comments to the Commission during the rulemaking process and in more informal communications. Based upon these statements, AT&T understood the PSAP community's priorities to be compatibility (i.e., Phase I solutions that fully comply with all applicable standards, are compatible with existing PSAP equipment, and require no upgrade of PSAP systems) and long-term operability. In addition, PSAPs generally have asked for Phase I solutions that can provide a platform for eventual Phase II implementation and will not require wholesale replacement in order to meet Phase II requirements.

The nationwide solution AT&T has selected will satisfy these criteria. AT&T is utilizing a non-callpath associated signaling ("NCAS") solution nationwide. AT&T's NCAS solution is fully compatible with existing PSAP equipment and the wireline E-911 infrastructure, and therefore requires no alterations or upgrades to LEC or PSAP equipment. NCAS also provides a robust platform for the transition to Phase II. Because AT&T is using its NCAS solution systemwide, AT&T enjoys significant economies of scale and can fully implement Phase I well within six months of receiving a PSAP request. By minimizing the burden of E-911 implementation on PSAPs, AT&T can provide E-911 service to wireless customers nationwide in an efficient, cost effective manner.

Through its Phase I trials in California and Minnesota, AT&T has experienced Phase I deployment with and without technology choice. In California for example, AT&T and other wireless carriers were permitted to choose their Phase I technology, as long as the technology was fully standards-compliant and met all of the Commission's requirements. As a result, the trial was successful, despite the use of multiple Phase I technical solutions, multiple ALI database providers, and multiple 911 service providers. By contrast, when AT&T participated in the Minnesota trial, it agreed to use the PSAP's preferred technology. Unfortunately,

Minnesota's preferred technology resulted in seriously degraded call set-up times for AT&T customers dialing 911. Because of this problem, at the conclusion of the trial period, AT&T declined further participation and reverted back to Phase 0. Since that time the Ventura Administration in Minnesota has announced its intention to adopt E-911 solutions that are technology neutral.[8/] AT&T applauds this decision. However, the lack of clarity on technology choice, the resulting debate, and the unsuccessful trial caused months of delay in bringing Phase E-911 service to wireless customers in Minnesota.

If the Commission clarified that wireless carriers have the right to select the most appropriate E-911 technology, delays like those experienced in Minnesota would not occur. In addition, the time-consuming process of developing additional technical guidelines on a state-by-state basis would not be necessary. If the Commission does not provide this clarification, disputes over the choice of technology will continue to impede Phase I implementation.

B. Disputes Over Adequate Cost Recovery Mechanisms Have Slowed Phase I Implementation

Cost recovery issues also have slowed Phase I E-911 implementation. The Commission's rules expressly require that a cost recovery mechanism be in place before a wireless carrier can be asked to provide Phase I service.[9/] Although AT&T is actively supporting state legislative efforts to implement the cost recovery mechanisms necessary for Phase I implementation, just over half of the states have implemented some sort of cost recovery mechanism.[10/] Significantly,

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[8/] See Letter from Douglas Brandon, Vice President - External Affairs and Law, AT&T Wireless, to Thomas Sugrue, Chief, Wireless Telecommunications Bureau (filed with the FCC on May 7, 1999) (attaching letter from Minnesota Department of Administration).

[9/] See 47 C.F.R. § 20.18(f).

[10/] Some individual municipalities and counties, including Washoe County, Nevada, and Chicago, Illinois, are collecting surcharges where no statewide surcharge has been implemented.

many of these states do not allow the reimbursement of carrier costs. In other states, the funds collected (typically through a wireless customer surcharge) are being used for purposes not related to the provision of wireless E-911. The answer is not to retreat from the Commission's decision to require a mechanism for wireless carriers to recover their costs for providing E-911 services. Rather, the Commission should provide additional guidance on what constitutes an adequate cost recovery mechanism.

For example, some states have asserted that they can simply informally request that wireless carriers recover their costs by imposing a surcharge on their customers and that such "action" constitutes an adequate cost recovery mechanism. Such carrier-specific surcharges would vary from carrier to carrier, creating marketplace disparities and undermining competitive neutrality. These adverse effects are magnified if only wireless carriers must recover E-911 costs through customer surcharges, while other carriers are not required to do so.

Others in the PSAP community have argued that a state may satisfy its obligation to adopt a cost recovery mechanism by "permitting" carriers to increase their rates to recover E-911 costs.[11/] States, however, have no authority to dictate whether CMRS providers may or may not raise their rates.[12/] The Commission obviously was aware of the absence of state rate authority when it promulgated its E-911 rules, and therefore could not have intended for such a maneuver

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[11/] See Edward Warner, Only Limited E911 Compliance Expected, Wireless Week, Feb. 23, 1998 at 40 (describing NENA's view that cost recovery exists if a state "allows" a carrier to increase its rates to recover 911 costs).

[12/] 47 U.S.C. § 332(c)(3) ("Notwithstanding sections 2(b) and 221(b), no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service").

to satisfy its explicit requirement for "a mechanism for the recovery of costs relating to the provision of [E-911] services."[13/]

To prevent further delays in the Phase I cost recovery process, the Commission should clarify that "carrier self-recovery" proposals are not an acceptable or appropriate cost recovery mechanism. Under no circumstances, however, should the Commission eliminate the cost recovery mechanism requirement. As the Commission recognized when it required CMRS carriers to forward all 911 calls regardless of subscription, implementing wireless E-911 will have broad public benefits.[14/] It is therefore appropriate for a government entity to direct the broad-based recovery of the costs of wireless E-911.

C. Other Factors Have Caused Delays in Phase I Implementation

The fact that E-911 service has not been implemented even in some states where a cost recovery mechanism is in place and wireless carriers have been able to use their preferred technology demonstrates that other factors have also played a role in the delay of Phase I implementation. Chief among these factors is the unwillingness of certain ILECs to provide wireless carriers with access to their 911 databases.

Certain LECs have delayed Phase I implementation by refusing to permit wireless carriers to interconnect with their systems or access their ALI databases. For example, AT&T formally requested ALI steering services from Bell Atlantic on November 17, 1998. To date, Bell Atlantic has refused to permit AT&T to access its ALI database using either "push" technology (dynamic updates of the ALI database) or "pull" technology (steering services that allow information to be accessed from a separate database). Bell Atlantic refuses to permit either

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[13/] E-911 Report and Order at ¶ 11.

form of access, even though AT&T has held multiple meetings with Bell Atlantic and has provided extensive documentation on both the standards-compliant nature of the service being requested and the obvious customer and public safety benefits that it will provide.

AT&T and other wireless carriers also cannot implement Phase I E-911 service unless PSAPs are "capable of utilizing the data elements associated with the service."[15/] Before any wireless or wireline E-911 system can be implemented, the PSAP must be capable of receiving ANI and ALI data. Even though AT&T Wireless's nationwide solution is compatible with existing PSAP E-911 equipment, certain PSAPs are equipped only to provide basic 911 service. These systems must be upgraded before AT&T can provide Phase I E-911 service.

A substantial number of PSAPs that have not requested Phase I E-911 service appear to be waiting for the ILECs to develop CAS-based solutions, even though AT&T Wireless and other carriers are ready now with their own CAS and NCAS solutions. For example, although SBC Communications Inc., after initial delays, has now agreed to provide ALI database access in Texas, no Texas PSAP has yet agreed to request implementation of NCAS service, despite collecting $0.50 per month from wireless customers. Other PSAPs apparently hope to bypass Phase I E-911 service altogether and wait until Phase II technology is available before they request service. For example, the California Department of General Services, as a result of the conclusions drawn from the Los Angeles trial, has recommended that California defer Phase I implementation until just before Phase II implementation.[16/]

[14/] E-911 Memorandum Opinion and Order at ¶ 33.

[15/] See 47 C.F.R. § 20.18(f).

[16/] Los Angeles E-911 Trial Draft Report at 67-68.

Even though AT&T has done everything within its power to fulfill the Commission's Phase I E-911 requirements, it cannot provide Phase I service without the cooperation of the incumbent LECs and the PSAPs.

III. THE COMMISSION CAN BEST EXPEDITE PHASE I E-911 DEPLOYMENT BY AFFIRMING ITS POLICY ON COST RECOVERY AND CLARIFYING THAT CARRIERS HAVE THE RIGHT TO CHOOSE E-911 TECHNOLOGY

To expedite Phase I implementation the Commission should affirm its position on cost recovery. As demonstrated above, AT&T has invested tremendous resources in Phase I implementation. AT&T also is actively supporting state legislative efforts to implement the cost recovery mechanisms that make Phase I implementation possible. Radical changes to the cost recovery requirement at this point would only stall, not stimulate, the Phase I process by forcing carriers and PSAPs back to square one of their negotiations. The Commission should, however, provide some guidance on what constitutes an adequate cost recovery mechanism.

The Commission also should clarify that carriers have the right to choose E-911 technology. In the absence of clear guidance from the Commission, PSAPs will continue to claim a role in determining the choice of E-911 technology. A clear Commission statement that wireless carriers may implement whichever standards-compliant technical solution that they believe best enables them to meet the Commission's requirements will prevent disputes between carriers and PSAPs and hasten both Phase I and Phase II implementation. If PSAPs are permitted to interfere with carriers decisions about E-911 transmission technologies, the negative impact ultimately will be felt by wireless consumers.

CONCLUSION

Although AT&T has committed substantial resources to ensure that it is fully compliant with the Commission's Phase I E-911 rules, there are multiple factors beyond the control of AT&T and other wireless carriers that are delaying the implementation of Phase I. To address these issues, the Commission should reaffirm its decision to require an adequate cost recovery mechanism and clarify that CMRS carriers may choose the E-911 technology that best allows them to meet the Commission's requirements.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michelle Mundt, hereby certify that on this 9th day of August 1999, I caused copies of the foregoing "Comments of AT&T Corp." to be sent to the following by either first class mail, postage prepaid, or by hand delivery (*):

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